

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DAVID S. YARNALL,	)	
	)	
Plaintiff,	)	CONSOLIDATED
	)	
v.	)	CIV. No.: 05-527-SLR
	)	
CPL. ANTHONY MENDEZ, DELAWARE	)	CIV. NO.: 06-501-SLR
STATE POLICE - TROOP 7, PTLM	)	
LOWE, UNKNOWN OFFICERS WHO	)	CIV. NO.: 06-529-SLR
RESPONDED TO SCENE OF	)	
MILLSBORO POLICE, AND PFC	)	
BUCHERT,	)	
	)	
Defendants.	)	

MOTION FOR SUMMARY JUDGMENT OF  
DEFENDANTS PTLM LOWE AND PFC BUCHERT

Defendants Ptlm Lowe and PFC Buchert hereby move for summary judgment pursuant to F.R.C.P. 56 on the grounds that there is no genuine issue of material fact and they are entitled to judgment as a matter of law.

**WHEREFORE**, moving defendants request that summary judgment be entered in their favor.

**AKIN & HERRON, P.A.**

/s/ Bruce C. Herron  
Bruce C. Herron  
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Attorney for Defendants  
Ptlm Lowe and PFC Buchert

Dated: May 3, 2007

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BUCHERT,	)	
	)	
Defendants.	)	

NOTICE OF SERVICE

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of May, 2007, a  
copy of DEFENDANTS PTLM LOWE'S AND PFC BUCHERT'S MOTION FOR  
SUMMARY JUDGMENT was mailed first class to the following party:

David S. Yarnall  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

and was electronically filed with the Clerk of the Court using  
CM/ECF which will send notifications of such filing(s) to counsel  
listed below:

Michael W. Tupman, Esquire  
Department of Justice  
102 West Water Street, Third Floor  
Dover, DE 19904-6750

AKIN & HERRON, P.A.

/s/ Bruce C. Herron  
Bruce C. Herron  
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